REMARKS/ARGUMENTS:

The Office Action dated May 14, 2009 concluded as follows for the subject application:

- Claims 1-3, 5, 8, 15 and 27 are rejected under 35 USC 102(e) as anticipated by Lipford (US 6,980,523);
- Claims 10-13, 23, 29 and 31-32 are rejected under 35 USC 103(a) as obvious over Lipford; and
- Claims 4, 6-7, 9, 16-19, 24, 28 and 30 are rejected under 35 USC 103(a) as obvious over Lipford in combination with Jouppi (US Publ. 2003/0221016).

Claims 27 and 29 are canceled by this paper.

Interview Summary:

A telephone interview was held on August 6, 2009 between Examiner Vu and the undersigned representative Jerry Stanton. Claim 1 was discussed, and it was agreed that amending claim 1 to more particularly define an order in which the claim elements are executed would distinguish over the Lipford reference as set forth in the supplement to the undersigned representative's PTOL-413A. It was agreed that claim 1 as presented herein would evidence a patentable distinction over Lipford.

35 USC 102(e):

Claim 1 as amended herein recites:

> A method for establishing a flow comprising:
> receiving at a wireless network node from a mobile station a first request message, said first request message comprising at least one quality of service parameter for the flow;
> after receiving the first request message, the wireless network node granting a plurality of quality of service parameters; and
> sending from the wireless network node to a packet data switching node a registration request message, the registration request message comprising one or more of the granted quality of service parameters.

Per ¶ 0038 and Figure 2 of the subject application, the radio node 24 derives QoS requirements from the MS26, **then** sends the QoS requirements to the PDSN 30. Deriving the QoS requirement from the MS corresponds to receiving the request message 44 of Fig 2 and the first

request message of claim 1. Sending the QoS requirements to the PDSN corresponds to sending the registration request 52 of Fig. 2 and sending the registration request message of claim 1. The radio node does not passively relay the QoS message 44 from the mobile station to the PDSN, for in all cases the QoS message that it receives carries the **requested** QoS parameters while the registration request message that it sends carries **granted** QoS parameters. In the described embodiment the QoS message 44 from the mobile station terminates at the radio node, and triggers the sending of the registration request message, once QoS parameters between the radio node and the mobile station are granted as shown in Figure 2.

Cited portions of Lipford (US 6,980,523) reference air interface QoS (col. 4 line 28 to col. 5 line 33) and separate Internet QoS (col. 5 line 35-66). A broad overview of how these two QoS's relate is detailed at col. 6 line 1-39, but the text there maintains a clear distinction between the air interface QoS and the internet QoS. Lipford's approach is to meld the air interface QoS and the internet QoS processes for an end-to-end solution (col. 6 line 41-57). Figs. 3-4 of Lipford give the two embodiments.

Lipford's Fig. 3 has the BSC sending at block 52 the air interface QoS (which it received at block 50 from the mobile station) to the PDSN, and the PDSN either matches the internet QoS to an air interface QoS (block 62) or negotiates for a different air interface QoS (blocks 58, 60). Eventually, a negotiation results in a match at block 62. Whether the internet QoS is matched to the original air interface QoS or negotiated, no air interface QoS is granted to the mobile station until block 64. So if block 52 is considered a request message from the BSC to the PDSN, the air interface QoS is not yet granted by any entity. Block 64 is the first grant of the mobile station's requested QoS (whether original or negotiated), so there can be no 'registration request' message that carries any granted QoS from the Lipford BSC to its PDSN because it is the PDSN which told the BSC at block 62 exactly what QoS is to be granted. Such a message is not obvious over Lipford since it would tell the PDSN after block 64 what the PDSN already told the BSC at block 62.

Lipford's Fig. 4 has a flow (A10) already setup so the mobile station and the PDSN negotiate directly. Since the PDSN is now recited separately in claim 1, Lipford's Fig. 4 cannot read on

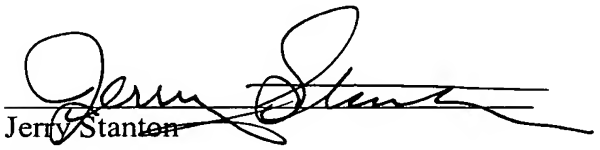
the separately recited wireless network node. Also, in Lipford's Fig. 4 the A10 link is already established (col. 7 line 19 and 34) so it appears to concern adjusting QoS on an existing flow rather than establishing a new flow (see claim 1 preamble). For either independent reason Lipford's Fig. 4 does not apply.

Claim 1 is amended herein to more particularly recite the order of elements which make the above distinction over Lipford more apparent. The examiner agreed in the telephone interview that claim 1 as presented herein distinguishes over the Lipford reference, and so claim 1 as presented by this paper is now allowable over Lipford. Neither Jouppi nor ordinary skill bridge the gap detailed above between claim 1 and Lipford.

Independent claims 15, 23 and 31 distinguish over Lipford with or without Jouppi for reasons similar to claim 1 and are therefore in condition for allowance also. All other claims depend from one of those four independent claims, and are allowable for at least that reason. The Applicants' absence of substantive argument for the dependent claims is not acquiescence to the specific rejections to those claims set forth in the office action, and the Applicants reserve the right to argue them separately if substantive prosecution is continued.

All claims are now in condition for allowance, and the Applicants respectfully request that the Examiner withdraw all outstanding rejections and to pass claims 1-13, 15-19, 23-24, 28 and 30-32 to issue. The undersigned representative welcomes the opportunity to resolve any matters that may remain, formal or otherwise, via teleconference at the Examiner's discretion.

Respectfully submitted:



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